

DANIEL G. BOGDEN
United States Attorney

DANIEL R. SCHIESS
Assistant United States Attorney
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
Telephone: (702) 388-6504
Facsimile: (702) 388-5087

Attorneys for the United States

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA



UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES YANG, ET AL.,

Defendant.

CASE NO.: 2:92-cr-00084-PMP-RJJ

**UNITED STATES' MOTION
TO DISMISS**

The United States, by and through the undersigned, respectfully moves the Court, pursuant to Federal Rule of Criminal Procedure 48(a), to dismiss the Superseding Indictment in the above-captioned matter.

Points and Authorities

On April 1, 1992 and May 27, 1992, a Federal Grand Jury sitting in Las Vegas, Nevada returned an Indictment and a Superseding Indictment, respectively, against James Yang (hereinafter the "Defendant") and two other individuals. The Superseding Indictment charged the Defendant with violating 18 U.S.C. § 371 Conspiracy; 18 U.S.C. § 1028(a)(3) Fraud and related activity in connection with identification documents; 18 U.S.C. § 1029(a)(2) and (b)(1) Fraud and

1 related activity in connection with access devices; and 18 U.S.C. § 2 Aiding and Abetting.

2
3 On June 9, 1992, pursuant to a written plea memorandum filed and accepted by the Court,
4 the Defendant plead guilty to violating 18 U.S.C. § 371. Sentencing was scheduled for December
5 10, 1992, and the Defendant was allowed to remain at liberty until said sentencing. On the date
6 of sentencing the Defendant failed to appear and the Court issued a bench warrant for his arrest
7 (Dkt # 67) which remains outstanding to this day. Due to the age of the case and the problems
8 associated with old cases the government moves to dismiss this case.


9
10 Wherefore, the United States respectfully requests the Court to dismiss this case.

11
12 Dated this 1st day of December 2011,

13
14
15 Respectfully Submitted,
16 DANIEL G. BOGDEN
17 United States Attorney

18 /s/
19 DANIEL R. SCHIESS
20 Assistant United States Attorney

21 IT IS SO ORDERED

22 
23 PHILIP M. PRO
24 UNITED STATES DISTRICT JUDGE

25 Dated: December 2, 2011.

CERTIFICATE OF SERVICE

UNITED STATES OF AMERICA,)	CASE NO.: 2:92-cr-00084-PMP-RJJ
Plaintiff,)	
vs.)	
JAMES YANG, ET AL.,)	UNITED STATES' MOTION
Defendant.)	TO DISMISS
_____)	

The undersigned hereby certifies that he is the attorney responsible for this matter and a person of such age and discretion as to be competent to serve papers.

That on December 1, 2011 he served a copy of the attached **UNITED STATES' MOTION TO DISMISS**, via Electronic Case Filing to all parties of record.

_____/s/
Daniel R. Schiess
Assistant United States Attorney